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| 10/580,889 | 02/08/2007 | Renee Boerefijn | C7729(C) | 8840 |

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| EXAMINER |
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DOUYON, LORNA M

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| ART UNIT | PAPER NUMBER |
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1796

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10/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/580,889 | Applicant(s) BOEREFIJN ET AL. | |
| | Examiner Lorna M. Douyon | Art Unit 1796 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/23/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims **1, 4, 5, 7 and 8** recites broad recitations of ranges, and the claims also recite "preferably...", "in particular...", or "most preferably..." which is the narrower statement of the range/limitation. In claim 1, see lines 4, 6, 7, 10, 12-14.

In addition, in claim 1, lines 21-22, the phrase "...at a second point of introduction downstream introduction, while the mixture obtained can be sprayed dried..." is not clearly understood.

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In claim **3**, line 2, claim **4**, line 2, and claim **5**, line 1, "VRV" is an acronym and should be spelled out.

In addition, in claims **4** and **5**, lines 1-2 of each claim, the phrase "the VRV mixer" lacks support with respect to claim 1.

In claim 6, line 2, "LAS" and "PAS" should be spelled out.

In claim 9, lines 2-3, "EDTA", "STP", "BHT" should be spelled out. In addition, "Tinogard", "Irganox" and "Tetronic" are tradenames.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Agar et al. (US Patent No. 5,482,642), hereinafter "Agar".

Agar teaches a solid laundry detergent composition, comprising by weight: a) from about 5% to about 20% of an organic surfactant; b) from about 25% to about 60% of one or more non phosphate detergent builder salts; c) from about 3% to about 20% of an alkali metal percarbonate bleach; d) from 0% to about 67% of detergent ingredients other than those in a) to c) wherein the composition has a bulk density of at least about 650 g/liter, and comprises at least one multi-ingredient component; and contains less

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than 25 ppm total of Iron, Copper and Manganese ions (see col. 2, lines 23- 37). In Example 1, Agar teaches Products A and B, which are identical and Product A comprises 6.80 wt% C₁₂LAS (sodium linear C₁₂ alkyl benzene sulfonate), 2.20 wt% TAS (sodium tallow alcohol sulfate), 3.27 wt% 45E7 (a nonionic surfactant, i.e., C₁₄-C₁₅ predominantly linear primary alcohol condensed with an average of 7 moles of ethylene oxide), 22.90 wt% zeolite (which reads on support), 4.25 wt% MA/AA (reads on builder), 14.00 wt% carbonate (also a builder), 0.19 DETPMP (diethylene triamine penta(methylene phosphonic acid), a sequestrant, 0.48 CMC (sodium carboxymethylcellulose), 20.5 ppm Iron and 2 ppm Copper, whose bulk density is 700 g/l (see Table under col. 18). Please note that Products A and B are free of ultraviolet absorber. Products A and B were made by a combination of spray drying, agglomeration and dry mixing techniques. A spray dried powder was made incorporating all of the TAS, approximately one quarter of the LAS, all of the Maleic anhydride/acrylic acid copolymer, DETPMP, CMC and brightener and part of the carbonate and zeolite builders. Approximately 82% of the zeolite and 65% of the carbonate were included in the crutcher and the spray dried product was passed through a Lodige KM high speed mixer/cutter, following which the 45E7 nonionic was sprayed on to the granules. The treated granules were then transferred to a conveyor belt. The remainder of the LAS, carbonate and zeolite were processed in a Lodige KM high speed mixer to form agglomerated particles which were fed to the conveyor belt. The other dry solid ingredients viz. the citrate, silicate, percarbonate and bleach activator were also added to the belt at the same time. Finally the mixed particulates

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were subjected to a low intensity blending step in a mix drum, during which step the perfume and suds suppressor were sprayed on to the particulates to form the finished product (see col. 18, lines 35-53). Citric acid is also contemplated as a component of the builder system (see col. 8, lines 23-25). Agar need not teach fatty acid derivatives, or soaps, inasmuch as the lower limit is “zero”. Agar also need not teach the limitation “the mixture obtained can be spray dried by spraying it on the support material using a thin layer drying process” because this is not a positive recitation of a step, and is not required. Hence, Agar anticipates the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agar as applied to the above claims, and further in view of Lueder et al. (US Patent No. 6,140,302), hereinafter “Lueder”.

Agar teaches the features as described above. In addition, Agar teaches that the compositions of the invention can be made via a variety of methods including dry mixing, spray drying, agglomeration and granulation (see col. 12, lines 47-54). Agar,

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however, fails to disclose a VRV mixer or a flash dryer mixer having operating parameters as those recited.

Lueder, an analogous art, teaches granulation in a Flash Dryer of the type manufactured by VRV, which is a horizontally arranged thin-layer dryer with four shafts and 22 paddles of which the distance from the wall is 2 mm having a high speed rotor (peripheral speed 25/s) within the Flash Dryer, and air is passed through in countercurrent throughput about 50-150 m³/h (see col. 5, lines 1-6; 30-62). This process reduces energy costs and increases the throughput (see col. 1, lines 23-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared the composition of Agar via the Flash Dryer of Lueder because Agar desires the preparation of his composition via a variety of methods like granulation and Lueder teaches such method which reduces energy costs and increases the throughput.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796